

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS, EASTERN DIVISION**

CHICAGOANS FOR AN END TO THE
GANG DATABASE: BLACK YOUTH
PROJECT 100 CHICAGO, BLOCKS
TOGETHER, BRIGHTON PARK
NEIGHBORHOOD COUNCIL, LATINO
UNION, MIJENTE, and ORGANIZED
COMMUNITIES AGAINST
DEPORTATION, as well as DONTA
LUCAS, JONATHAN WARNER, LESTER
COOPER, and LUIS PEDROTE-SALINAS,
on behalf of themselves and a class of
similarly situated persons,

Plaintiffs,

v.

CITY OF CHICAGO, SUPERINTENDENT
EDDIE JOHNSON, and CHICAGO
POLICE OFFICERS MICHAEL TOMASO
(#6404), MICHAEL GOLDEN (#15478),
PETER TOLEDO (#2105), JOHN DOES 1-
4, and JANE DOES 1-2,

Defendants.

Case No. 18-cv-04242

Hon. Andrea R. Wood

NOTICE OF CRIMINAL ENTERPRISE INFORMATION SYSTEM ANNOUNCEMENT

Defendant City of Chicago (“City”), by and through its counsel, Mark A. Flessner, Corporation Counsel, hereby notifies the Court that the Chicago Police Department (“CPD”) has announced on its website its new Criminal Enterprise Information System (“CEIS”). A General Order (“Order”) describing the CEIS is attached as Exhibit A hereto. That Order is not yet in effect, but it will govern the CEIS once it is implemented.

As background, the City apprised the Court last April that CPD had proposed a new system for inputting and accessing information about criminal street gangs, and that CPD was

taking public comments on the proposal. See Dkt. No. 55, ¶ 4. The City has further periodically updated the Court on that process at status hearings in the case. That process is now complete: CPD has taken into account public comments and feedback, as well as input from other sources, such as the audit conducted by the City's Office of the Inspector General. See id. ¶ 3. The CEIS is the culmination of these efforts.

Upon implementation, the CEIS will be the tool by which CPD vets, maintains, and utilizes criminal enterprise and street gang membership information, which it uses to prevent, detect, and investigate criminal activity. Some key features of the CEIS are summarized below:

- Specific, enumerated criteria will be used to identify members of criminal enterprises or street gangs. A positive identification will be known as a "Status Identification." Order, Items IV-C, VI.
- Under those criteria, a person will be identified in the CEIS only if:
 - (1) the person makes a voluntary self-admission of gang membership as recorded on a video or audio device, such as a body camera, or
 - (2) two of the following are met: (a) an unrecorded self-admission of gang membership, (b) the wearing of distinctive gang emblems or tattoos, (c) the identification of the person as a gang member by a reliable informant, (d) the use of distinctive gang signs or symbols, (e) being identified as a gang member by another governmental or penal institution, or (f) being arrested, charged or convicted of a crime where gang membership is an element of the offense or is documented in the court record. However, an identification cannot be based solely on items (b) and (d). Order, Item VI-B.
- These criteria must be substantiated by specific, documented, and reliable information. Further, the events satisfying these criteria must have occurred within 5 years prior to designation, except that identifications by reliable informants must have occurred within 2 years. Order, Item VI-B.
- For each person added to the CEIS, there will be a multi-level review process within CPD to verify that the person meets the qualifying criteria. Order, Items IV-D, VII.
- Persons added to the CEIS will be removed after 5 years if they do not commit a qualifying criminal offense or an act in furtherance of gang or criminal enterprise activity during that time. Order, Item VIII-A.

- Persons can find out whether they are included in the CEIS – i.e., whether they have a “Status Identification.” Order, Item IX-B-1. If they are not included, CPD will state so in writing. Order, Item IX-B-3-a. If they are included, CPD will inform them in writing of the criteria and supporting records that were used as the basis for their designation. Order, Item IX-B-3-b.
- Persons can appeal their inclusion in the CEIS. Order, Item IX.C. The appeal will first be considered by CPD personnel who were not involved in the initial decision to designate the person. Order, Item IX-C-3. If CPD declines to grant the appeal, the appeal will then be reviewed by an external body – the Chicago Police Board. Order, Item IX-C-2, 5, 6. If the person prevails at either step, they will be removed from the CEIS. Order, Item IX-C-4, 6.
- CPD personnel can use the CEIS only if they have been trained on it. Order, Items IV-C, XII-A. It will only be shared with law enforcement partners for legitimate law enforcement purposes. Order, Item XII-A. Information in the CEIS will not be disclosed to third parties for immigration, employment, education, general licensing, or housing purposes. Id.
- The CEIS will be regularly audited for accuracy and compliance with the Order. Order, Item X-A-3, C-1, C-2, D-2.

Additional information about the CEIS, and other related initiatives, is available at the following link on CPD’s website: <https://home.chicagopolice.org/policy-review/criminal-enterprise-information-system/>. The City remains in discussion with Plaintiffs’ counsel concerning potential settlement or other resolution of this litigation.

Dated: February 27, 2020

Respectfully submitted,

MARK A. FLESSNER,
Corporation Counsel for the City of Chicago

By: /s/ Andrew Worseck
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CERTIFICATE OF SERVICE

I, Andrew Worseck, an attorney, hereby certify that on February 27, 2020, I caused the foregoing **Notice of Criminal Enterprise Information System Announcement** to be electronically filed with the Clerk of the United States District Court for the Northern District of Illinois using the CM/ECF system, which will send notifications of such filing to all parties that have appeared in this action.

/s/ Andrew Worseck